IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Crl.MC.No. 2859 of 2007()

ST.3099/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

.....

PETITIONER: ACCUSED

MEHED BABU, S/O.HUSSAIN, AGED 32 YEARS,
K.C.MAHAL, NADAKKUTAYA VILLAGE, VADAKARA DESOM,
P.O.PUTHUR, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.M.HABEEB

RESPONDENTS:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/09/2007 ALONG WITH CRMC NOS.2865 & 2873 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.2859, 2865 & 2873 of 2007

Dated this the 12th day of September, 2007

O R D E R

The petitioner faces indictment in 3 separate prosecutions, all under Section 138 of the Negotiable Instruments Act, pending before two different courts of the Judicial Magistrate of the First Class, Trichur. The petitioner had entered appearance and was released on bail in two cases. But in those cases also, consequent to his non appearance, warrants of arrest issued by the learned Magistrate are chasing the petitioner. In the third case, the petitioner had not entered appearance at all and warrant of arrest issued in that case is also chasing the petitioner.

2. According to the petitioner, he is absolutely innocent. His failure/omission to appear before the learned Magistrates was not wilful or deliberate, but was on account of reasons beyond his control. The petitioner is now willing to surrender before the learned Magistrates concerned. He is willing to co-operate with the courts for the expeditious disposal of the cases against him. But he apprehends that his applications for regular bail may not be considered by the learned Magistrates on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court with the prayer that appropriate directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrates concerned and explain to the learned Magistrates the circumstances under which he could not earlier appear before the learned Magistrates. I have no reason to assume that the learned Magistrates would not consider such applications on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. These Crl.M.Cs are, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrates concerned and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrates must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. In the peculiar facts and circumstances of these cases, there shall be a direction that the warrants of arrest issued against the petitioner shall not be executed till 20.09.07. The petitioner must appear before the learned Magistrates concerned and seek regular bail by then.

(R.BASANT, JUDGE)

rtr/-